

Further misbranding, Sections 502 (b) (1) and (2), the *tablets for pain and nerves, rheumatism and gland tablets, laxative for stomach and kidneys, V E tonic tablets and capsules, tablets for rheumatism, nerves, and diabetes, powder for the treatment of cancer, tablets for "sick" stomach, tablets for sore throat, tonsil disorders, "flue," and fever, capsules for the condition known as change of life, and tablets for nervousness and sleeplessness* failed to bear labels containing the place of business and, in some instances, the name of the manufacturer, packer, or distributor; and such articles failed also to bear labels containing a statement of the quantity of the contents.

Douche powder and tablets and capsules for the treatment of cancer. Misbranding, Section 502 (f) (1), the label of the articles failed to bear adequate directions for use in the treatment of cancer, which was the disease for which the articles were intended to be used.

Further misbranding, Section 502 (a), the statement "Nolen M. D.," appearing on the label of a portion of the *laxative for stomach and kidneys*, and the statement "Dr. Nolen," appearing on the label of the *tablets for nervousness and sleeplessness* and on the label of a portion of the *rheumatism and gland tablets* and *tablets for "sick" stomach*, were false and misleading. Such statements represented and suggested that the defendant, James Allen Nolen, possessed the medical qualifications required for the practice of medicine in the State of Oklahoma and was licensed to practice medicine in that State, whereas the defendant did not possess such medical qualifications and was not licensed to practice medicine in such State.

DISPOSITION: November 21, 1951. The defendant having entered a plea of nolo contendere, the court fined him \$2,000 and placed him on probation for 1 year.

VIOLATIVE SALES OF PRESCRIPTION DRUGS

4042. Misbranding of dextro-amphetamine sulfate tablets and sulfathiazole tablets. U. S. v. Griffin-Robertson Drug Co. and Gilbert C. Griffin and Marcus W. Robertson. Pleas of nolo contendere by individual defendants. Action against company dismissed. Each individual defendant fined \$50. (F. D. C. No. 34316. Sample Nos. 46528-L to 46531-L, incl.)

INFORMATION FILED: December 5, 1952, Northern District of Mississippi, against the Griffin-Robertson Drug Co., a partnership, Corinth, Miss., and Gilbert C. Griffin and Marcus W. Robertson, partners in the partnership.

NATURE OF CHARGE: On or about June 21 and 22, 1952, while a number of *dextro-amphetamine sulfate tablets* and *sulfathiazole tablets* were being held for sale at the Griffin-Robertson Drug Co., after shipment in interstate commerce, the defendants caused quantities of the drugs to be dispensed without a prescription from a practitioner licensed by law to administer such drugs. This act of dispensing was contrary to the provisions of Section 503 (b) (1) and resulted in the dispensed drugs being misbranded.

DISPOSITION: February 11, 1953. Pleas of nolo contendere having been entered by the individual defendants, the court fined each individual \$50. The court ruled that the action did not lie against a partnership and therefore dismissed the action against the partnership defendant.

DRUGS ACTIONABLE BECAUSE OF FAILURE TO BEAR ADEQUATE DIRECTIONS OR WARNING STATEMENTS *

4043. Misbranding of Seconal Sodium capsules. U. S. v. Louis E. Krouse (Main Cut Rate), and Daniel Krowitz. Pleas of not guilty. Tried to the court and jury. Verdict of guilty. Fine of \$1,000 against Defendant Krouse and \$500 against Defendant Krowitz and sentence of 1 year in jail against each defendant. Jail sentences suspended and each defendant placed on probation for 5 years. (F. D. C. No. 33733. Sample No. 25704-L.)

INFORMATION FILED: December 30, 1952, Eastern District of Pennsylvania, against Louis E. Krouse, trading as Main Cut Rate, Philadelphia, Pa., and against Daniel Krowitz, also known as David Krouse, an employee of Main Cut Rate.

ALLEGED VIOLATION: On or about June 5, 1951, while a number of *Seconal Sodium capsules* were being held for sale at Main Cut Rate, after shipment in interstate commerce, the defendants caused one bottle of the capsules to be dispensed in the original bottle in which the capsules had been shipped in interstate commerce, without a prescription of a physician, which act resulted in the capsules being misbranded.

NATURE OF CHARGE: Misbranding, Section 502 (f) (1), the labeling of the capsules bore no directions for use (the bottle in which the capsules were shipped in interstate commerce bore no directions for use since it was exempt from such requirement by the label statement "Caution: To be dispensed only by or on the prescription of a physician." The act of the defendants in dispensing the drug without a physician's prescription caused the exemption to expire).

DISPOSITION: The defendants having entered pleas of not guilty, the case came on for trial before the court and jury on March 4, 1953, and was concluded on March 6, 1953, with the return of a verdict of guilty by the jury. Thereafter, a motion for a new trial, or, in the alternative, for a judgment of acquittal, was filed on behalf of the defendants, and on June 23, 1953, the motion was dismissed for failure of the defendants to pursue the matter further.

On July 22, 1953, the court fined Defendant Krouse \$1,000 and Defendant Krowitz \$500 and sentenced each defendant to 1 year in jail. The jail sentences were suspended, and each defendant was placed on probation for 5 years.

4044. Misbranding of methyltestosterone tablets, dextro-amphetamine sulfate tablets, thyroid tablets, and tablets containing a mixture of mannitol hexanitrate and phenobarbital. U. S. v. Fay C. Dyes and Milton J. Reynaud. Pleas of nolo contendere. Fine of \$150 against each defendant. (F. D. C. No. 33742. Sample Nos. 31026-L, 34174-L, 34377-L to 34379-L, incl., 34382-L.)

INFORMATION FILED: January 19, 1953, Western District of Missouri, against Fay C. Dyes and Milton J. Reynaud, partners in the partnership of Dyes Drug Store, Aurora, Mo.

ALLEGED VIOLATION: On or about March 19, and 20, 1952, while a number of *methyltestosterone tablets, dextro-amphetamine sulfate tablets, thyroid tablets, and tablets containing a mixture of mannitol hexanitrate and phenobarbital* were being held for sale at Dyes Drug Store, after shipment in interstate commerce, the defendants caused various quantities of the drugs to be re-

*See also No. 4041.